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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/925,466 | 08/10/2001 | Yoshitoshi Yamagiwa | 0994-0216P | 4584 |
| 2292 | 7590 | 05/25/2005 | EXAMINER | |
| BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 | | | SIDDIQI, MOHAMMAD A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2154 | |

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,466

Applicant(s)

YAMAGIWA ET AL.

Examiner

Mohammad A. Siddiqi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/02/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-17 are presented for examination. Claim 3 has been cancelled. Claims 12-17 are new. Claims 1,2, and 4-17 are pending in this application.
2. Amendments to the specification filed have been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,2, 4-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pang et al. (6,578,188) (hereinafter Pang) in view of Gosh et al. (6,741,265) (hereinafter Gosh).
5. Pang is cited by the examiner in a previous office action.

6. As per claim 1, Pang discloses a method for providing data-processing service, said method comprising the steps of: uploading (mask image file is uploaded by the client to use simulation software, 2103A-C, 2104, fig 21) primary data (mask image, col 25, lines 60-67) via the Internet (col 6, lines 2-5) from a client computer to a server (col 5, lines 5-10) computer of an application service provider (col 5, lines 5-10); and subjecting the primary data to data processing by using an application program provided in the server computer (simulation software, 2101, fig 21, col 5, lines 17-23, network based simulation server), said application program converting the primary data (mask image in JPEG or GIF format col 26, lines 17-21) having a first form (mask image, col 5, lines 14-15) to secondary data (simulation image is generated by the simulation software which is another form, col 5, lines 23-27, 915, 995 fig 9). Pang fails to disclose having a second form different from the first form. However Gosh discloses having a second form different from the first form (product design is generated website software, col 7, lines 25-29, provide design input about the product design and model generated by CAD software based on the product design input, col 7, lines 34-43 and col 5, lines 1-14, mold design). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Pang and Gosh. The motivation would have been to build a near real time network based product

design system where information about the product design can be communicated between the parties.

7. As per claim 2, the claim is rejected for the same reasons as claim 1, above. In addition, Pang discloses the sever computer stores the secondary data in a state that enables the secondary data to be downloaded to the client computer (col 27, lines 1-7, receives and transfers the mask images).

8. As per claim 4, the claim is rejected for the same reasons as claim 1, above. In addition, Gosh discloses the primary data are three dimensional CAD data (model generated by CAD software based on the product design input, col 7, lines 34-43 and col 5, lines 1-14, mold design).

9. As per claim 5, the claim is rejected for the same reasons as claim 1, above. In addition, Gosh discloses wherein the primary data are three - dimensional CAD data regarding product design (product design is generated website software, col 7, lines 25-29, provide design input about the product design and model generated by CAD software based on the product design input, col 7, lines 8-11, lines 34-43 and col 5, lines 1-14, mold design).

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10. As per claim 6, the claim is rejected for the same reasons as claim 1, above. In addition, Gosh discloses wherein the secondary data are three-dimensional CAD data (model generated by CAD software based on the product design input, col 7, lines 8-11 and lines 34-43 and col 5, lines 1-14, mold design).

11. As per claim 7, the claim is rejected for the same reasons as claim 1, above. In addition, Gosh discloses wherein the secondary data are three-dimensional CAD data for mold design (model generated by CAD software based on the product design input, col 7, lines 8-11, lines 34-43 and col 5, lines 1-14, mold design).

12. As per claim 8, the claim is rejected for the same reasons as claim 1, above. In addition, Pang discloses wherein when the primary data are uploaded to the server computer, a backup file containing the primary data is stored so as to enable re-conversion processing to be performed by use of the backup file in a revival processing mode (col 27, lines 60-63).

13. As per claim 9, the claim is rejected for the same reasons as claim 1, above. In addition, Pang discloses a start mail (col 28, line 27) indicating start of the conversion processing is transmitted to a mailer of an

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administrator (col 28, line 32) who administrates the server computer (col 28, lines 30-33).

14. As per claim 10, the claim is rejected for the same reasons as claim 1, above. In addition, Pang discloses wherein when the primary data (mask, col 28, lines 34-37) to are converted to the secondary data (simulation image, col 5, lines 23-27), an end mail indicating end of the conversion processing (finish, col 28, lines 53-55) is transmitted to a mailer of an administrator who administrates the server computer (col 28, lines 1-10).

15. As per claim 11, the claim is rejected for the same reasons as claim 1, above. In addition, Pang discloses the primary data are converted (col 28, lines 34-37) to the secondary data (simulation image, col 5, lines 23-27), a completion mail indicating completion of the conversion processing is transmitted to a mailer of a user (col 29, lines 55-58).

16. As per claim 12, the claim is rejected for the same reasons as claim 1, above. In addition, Pang discloses further comprising the step of downloading the secondary data (col 12, lines 42-58, and col 13, lines 14-37, examiner interpretation of format is size, style, shape, layout or

organization of a layout or printed product) from the server computer to the client computer (col 27, lines 1-7, receives and transfers the mask images).

17. As per claim 13, the claim is rejected for the same reasons as claim 1, above. In addition Ghosh discloses the primary data is product design data (col 7, lines 25-29, provide design input about the product design) and the secondary data is mold design data (model generated by CAD software based on the product design input, col 7, lines 34-43 and col 5, lines 1-14, mold design), wherein the product design data is converted by the application program into mold design data to design a mold for making a product designed with the product design data (model generated by CAD software based on the product design input, col 7, lines 34-43 and col 5, lines 1-14, mold design).

18. As per claim 14, the claim is rejected for the same reasons as claim 1, above. In addition, Gosh discloses the primary data is data regarding a product designed using a software program for product design (product design is generated website software, col 7, lines 25-29, provide design input about the product design) and the secondary data is data for mold design that can be used by a software program for mold design (model

generated by CAD software based on the product design input, col 7, lines 34-43 and col 5, lines 1-14, mold design).

19. As per claim 15, Pang discloses a method for providing data-processing service, said method comprising the steps of:

uploading primary data via the internet from a client computer to a server computer of an application service provider (mask image file is uploaded by the client to use simulation software, 2103A-C, 2104, fig 21 and col 5, lines 5-10); and

converting the primary data (mask image in JPEG or GIF format col 26, lines 17-21) to secondary data (simulation image, col 5, lines 23-27, 915, 995 fig 9) by using an application program provided in the server computer (simulation software, 2103A-C, 2104, fig 21 and col 5, lines 5-10 and col 12, lines 42-58, and col 13, lines 14-37, examiner interpretation of format is size, style, shape, layout or organization of a layout or printed product); and

downloading the secondary data from the server computer to the client computer (col 27, lines 1-7, receives and transfers the mask images).

Pang fails to disclose the primary data is compatible with a first software program and the secondary data is compatible with a second software program different from the first software program. However, Gosh

discloses the primary data is compatible with a first software program (col 3, lines 30-43, product design input is analyzed by analytical tools) and the secondary data is compatible with a second software program different from the first software program (col 7, lines 34-45, Design model is generated by using CAD software). It would have been obvious to one of ordinary skill in the art at the time of the invention is made to combine the teachings of Pang and Gosh. The motivation would have been to build a near real time network based product design system where information about the product design can be communicated between the parties.

20. As per claim 16, the claim is rejected for the same reasons as claim 15, above. In addition, Ghosh discloses the primary data is product design data (col 7, lines 25-29, provide design input about the product design) and the secondary data is mold design data (model generated by CAD software based on the product design input, col 7, lines 34-43 and col 5, lines 1-14, mold design), wherein the product design data is converted by the application program into mold design data to design a mold for making a product designed with the product design data (model generated by CAD software based on the product design input, col 7, lines 34-43 and col 5, lines 1-14, mold design).

21. As per claim 17, the claim is rejected for the same reasons as claim 15, above. In addition, gosh discloses the primary data is data regarding a product designed using the first software program, said first software program being for product design (product design is generated website software, col 7, lines 25-29, provide design input about the product design) and the secondary data is data for mold design that can be used by the second software program, said second software program being for mold design (model generated by CAD software based on the product design input, col 7, lines 34-43 and col 5, lines 1-14, mold design).

Response to Arguments

22. Applicant's arguments with respect to claims 1,2 and 4-11 have been considered but are moot in view of the new grounds of rejection.

23. The scope of the claim 1 has been changed by changing "format" to "form". Format is interpreted as the defined and mutually agreed pattern into which data are systematically arranged for use on a computer and "form" means the external outline of a thing.

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Automated Evaluation of Critical Features in VLSI Layouts Based on Photolithographic Simulation By Chaitali Sengupta, IEE transaction on Semiconductor Manufacturing, Vol, 10 4, November 1997.

U.S. Patent 5,952,133

U.S. Patent 6,601,108

U.S. Patent 6,51,101

U.S. Patent 6,757,715

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will

expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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